

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**STIPULATION AND [PROPOSED]
ORDER TO AMEND SCHEDULE**

This Document Relates to:

Judge: Hon. William H. Orrick

*San Francisco Unified School District v. Juul
Labs, Inc. et al.*, Case No. 3:19-cv-08177;
*Cheyenne and Arapaho Tribes of Oklahoma v.
Juul Labs, Inc. et al.*, Case No. 3:21-cv-05134.

The parties jointly stipulate and agree, subject to the Court's approval, to amend certain deadlines applicable in the above-captioned cases.

WHEREAS, on June 23, 2022, the FDA issued an order (the "PMTA Order") stating that it had "completed substantive scientific review of [JLI's] PMTAs" and was "denying issuance of marketing granted orders" for the products JLI had submitted for approval.

WHEREAS, JLI is pursuing an appeal of the PMTA Order.

WHEREAS the Court entered an order outlining pretrial deadlines in the Government Entity bellwether litigation, including the bellwether case captioned *San Francisco Unified School District v. Juul Labs, Inc. et al.*, Case No. 3:19-cv-08177 on April 8, 2022. *See* Dkt. No. 3024 (adopting the Government Entity Plaintiffs' proposed schedule in Dkt. No. 3015-1).

WHEREAS the opposition to the motion to dismiss in the matter of *Cheyenne and Arapaho Tribes of Oklahoma v. Juul Labs, Inc. et al.*, Case No. 3:21-cv-05134, is currently due on July 7, 2022, and the reply in support of the motion to dismiss is currently due on July 14, 2022.

WHEREAS the parties have met and conferred, and subject to the Court's approval, Defendants propose a revised schedule for the deadlines below, without altering the current trial date for the *San*

Francisco Unified School District case and without altering dates in the *Cheyenne and Arapaho Tribes of Oklahoma* case other than as specified below. Plaintiffs do not object.

WHEREAS, subject to the Court's approval, the parties state as follows:

1. Defendants propose a two-week extension of the following deadlines in the matter of *San Francisco Unified School District v. Juul Labs, Inc. et al.*, Case No. 3:19-cv-08177. Plaintiffs do not object:

| Event | Current Deadline | Revised deadline |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------|
| Rebuttal reports to Dorn | July 28 | August 11 |
| Close of expert discovery (Dorn) | August 18 | September 1 |
| MSJ and <i>Daubert</i> opening briefs (SFUSD only) | August 1 | August 15 |
| MSJ and <i>Daubert</i> oppositions (SFUSD only) | August 29 | September 12 |
| MSJ and <i>Daubert</i> replies (SFUSD only) | September 12 | September 26 |
| MSJ/ <i>Daubert</i> argument (SFUSD only) | TBD by Court | No change |
| Exchange of Civil Local Rule 16-10(b)(7)-(10) materials | September 26 | No change |
| Filing of Pretrial Conference Statement, Jury Instructions, Exhibit List/Objections, Deposition Designations/Objections, Motions in limine | Opening: October 3 Opposition: October 10 Reply: October 17 | No change |
| Pre-trial Conference | October 24 | No change |
| Jury Selection | November 4 | No change |
| Trial Begins | November 7 | No change |

2. In the matter of *Cheyenne and Arapaho Tribes of Oklahoma v. Juul Labs, Inc. et al.*, Case No. 3:21-cv-05134, the parties agree to extend Plaintiff's time to oppose JLI's motion to dismiss, or to file an Amended Complaint, for 30 days from July 7, 2022 to August 8, 2022, and to extend the deadline for JLI to file a reply in support of the motion to dismiss from July 14, 2022 to August 15, 2022.

1 The parties therefore respectfully request that the Court enter an Order establishing the above
2 deadlines.

3
4 Dated: July 6, 2022

Respectfully submitted,

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UNITED STATES DISTRICT COURT
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SAN FRANCISCO DIVISION

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 SALES PRACTICES, AND PRODUCTS
 LIABILITY LITIGATION

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Cheyenne and Arapaho Tribes of Oklahoma v. Juul Labs, Inc. et al., Case No. 3:21-cv-05134.

The Court hereby adopts the Parties' stipulations regarding deadlines as follows:


1. In the matter of *San Francisco Unified School District v. Juul Labs, Inc. et al.*, Case No. 3:19-cv-08177, the following deadlines shall apply:

| Event | Current Deadline | Revised deadline |
|---------------------------------------------------------|------------------|------------------|
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| Jury Selection | November 4 | No change |
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2. In the matter of *Cheyenne and Arapaho Tribes of Oklahoma v. Juul Labs, Inc. et al.*, Case No. 3:21-cv-05134, the deadline for the opposition to the motion to dismiss shall be extended for 30 days from July 7, 2022 to August 8, 2022, and the deadline for filing a reply in support of the motion to dismiss shall be extended from July 14, 2022 to August 15, 2022.

Date: July 6, 2022


HONORABLE WILLIAM H. ORRICK
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record. I also caused a copy of the under-seal documents to be served via electronic mail on all parties.

By: /s/ Renee D. Smith

Renee D. Smith